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## **U.S. DISTRICT COURT**

**Southern District of New York**

**Magistrate Judge Sarah Netburn**

**09-05-2020**

**Emmanuel A. Adigun - Plaintiff.**

**against**

**I.R.S., Social Security Adm. etc.- Defendants**

**Case# 20-cv-3676-AT-SN**

**Notice of service to Premiere  
Credit of North America as  
ordered by the Court (4th).**

**I, Emmanuel A. Adigun, the plaintiff in this case, hereby inform this Court that as per the order of August 31st 2020, directing plaintiff to again serve defendant Premiere Credit of North America through it's registered agent (CT Corporation System of Liberty Street, New York , New York) has been accomplished. This Court is respectfully advised. Kindly see attached proof of service and postal service certified receipt.**

**Respectfully,**

  
**Emmanuel A. Adigun**



CO OP CITY  
3300 CONNER ST  
BRONX, NY 10475-9998  
(800) 275-8777

09/05/2020

11:33 AM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.55

New York, NY 10005  
Weight: 0 Lb 0.50 Oz  
Estimated Delivery Date  
Wednesday 09/09/2020

Certified  
USPS Certified Mail #  
70192970000089756714  
Total \$4.10

Grand Total: \$4.10

Cash \$5.00  
Change (\$0.90)

\*\*\*\*\*  
Due to limited transportation availability as a result of nationwide COVID-19 impacts package delivery times may be extended. Priority Mail Express® service will not change.  
\*\*\*\*\*

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

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1-800-410-7420

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Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

New York, NY 10005

Certified Mail Fee

\$3.55

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage

\$0.55

Total Postage and Fees

\$4.10

Sent To

ST Corporation System

Street and Apt. No., or PO Box No.

28 Liberty Street, NY, NY 10005

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7531-02-000-9047

See Reverse for Instructions

WC-6

CO OP CITY  
3300 CONNER ST.  
BRONX, NY 10475-9998  
350924-0111  
(800) 275-8777  
07/29/2020 12:30 PM

PCNA

Product	Qty	Unit Price	Price
Celebrate	1	\$0.55	\$0.55
Grand Total:			\$0.55

Cash \$1.00  
Change (\$0.45)

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Track your Packages  
Sign up for FREE @  
[www.informedelivery.com](http://www.informedelivery.com)

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FF-1

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 20-cv-03676-AT-SN

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* PREMIERE CREDIT OF NORTH AMERICA  
 was received by me on *(date)* JUNE 8<sup>th</sup>, 2020.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☒ Other *(specify)*: SERVING PREMIERE CREDIT OF NORTH AMERICA  
THROUGH CT CORPORATION SYSTEM, (REGISTERED AGENT)

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 09-02-2020  
(Sept. 2<sup>nd</sup>, 2020)

x Marlene Barrett  
 \_\_\_\_\_  
*Server's signature*

MARLENE BARRET - SERVER  
 \_\_\_\_\_  
*Printed name and title*

1586 ST. MARKS AV. BROOKLYN NY 11223  
 \_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

2<sup>ND</sup> SERVICE TO CT. Corporation  
as per Court Order.

FF-1

dated January 9, 2020, ("Barthel Aff.") at Exhibit A. The Order to Show Cause was signed by Justice Ruben Franco on September 10, 2019. *See id.*

Plaintiff listed Premiere Credit as a defendant in the caption of the Order to Show Cause.

*See id.* Premiere Credit is authorized to receive service of process in New York via its registered agent: CT Corporation System, 28 Liberty Street, New York, New York 10005. *See Barthel Aff., Exh. B.* However, Plaintiff did not serve Premiere Credit's registered agent. Rather, the Order to Show Cause was received by mail to Premiere Credit's office address at 220 Wellesley Blvd., 100 Indianapolis, IN 6219 on or around September 16, 2019. *See Barthel Aff., Exh. C.*

On November 13, 2019, the undersigned made a limited appearance at the hearing for the Order to Show Cause based on the papers received at the aforementioned address, *supra*, and to avoid a potential default being entered against Premiere Credit for failure to appear. *See Barthel Aff. at ¶ 7.* The undersigned expressly reserved Premiere Credit's right to assert jurisdictional defenses and contest service at the hearing. *See id.* By Order, dated November 25, 2019, the Court severed Plaintiff's action against Premiere Credit and stated that it "shall continue." *See Barthel Aff., Exh. D.*

### STANDARD OF REVIEW

#### A. CPLR § 3211(a)(7) Legal Standard

It is well settled that a Complaint should be dismissed if it fails to state a cause of action. CPLR 3211(a)(7). When a Court determines a motion to dismiss for failure to state a cause of action pursuant to CPLR 3211(a)(7), it must determine whether the allegations in the Complaint set forth a proper cause of action. If the facts do not fit into a cognizable legal theory, the motion to dismiss the cause of action should be granted. *ABN AMRO Bank, N.V. v. MBIA Inc.*, 17 N.Y.3d 208, 227, 952 N.E.2d 463, 474 (2011); *Leon v. Martinez*, 84 N.Y.2d 83, 87-88, 614 N.Y.S.2d 972, 974 (1994); *Baumann v. Hanover Cmty. Bank*, 100 A.D.3d 814, 815, 957



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[app=UapsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformedelivery.usps.com/box/pages/intro/start.action](https://reg.usps.com/xsell?app=UapsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformedelivery.usps.com/box/pages/intro/start.action))

**Tracking Number:** 70192970000089756714

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Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

### In-Transit

September 23, 2020  
In Transit to Next Facility

**Get Updates** ✓

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**Text & Email Updates**



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**Tracking History**



**September 23, 2020**  
In Transit to Next Facility

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6874

delivered to its final destination. It is currently in transit to the next facility.

**September 19, 2020, 12:40 am**

Departed USPS Regional Facility  
NEW YORK NY DISTRIBUTION CENTER

Reminder to Schedule Redelivery of your item

**September 8, 2020, 3:15 pm**

Notice Left (No Authorized Recipient Available)  
NEW YORK, NY 10005

**September 8, 2020, 11:12 am**

Out for Delivery  
NEW YORK, NY 10005

**September 8, 2020, 11:01 am**

Arrived at Unit  
NEW YORK, NY 10005

**September 5, 2020, 6:32 pm**

Arrived at USPS Regional Facility  
NEW YORK NY DISTRIBUTION CENTER

**September 5, 2020, 11:32 am**

USPS in possession of item  
BRONX, NY 10475

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**Product Information**

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**See Less** ^

FF-2

4).ECMC AND PCNA VIOLATIONS

Whereas, ECMC as the guaranty agency pursuing administrative responsibility with fiduciary obligation to Dept. of Education, and its sub-contractor, PCNA, been utilized as the account receivable, collectively or severely inherited a transferred, defaulted phantom loan, and thereby committed the following violations:

A). That you Educational Credit Management Corp. and Premiere Credit of North America (PCNA) and others, between 2008 and 2013, do collectively and severely, conspired with others to collect a debt in the amount of \$17, 034.90 from me, within the jurisdiction of this Honorable Court, a balance of loan which you ought to have known was a proceed of fraud, and that you thereby violated section 15 U.S.C. 1692F(1), which was part of the reasons your collection activities with ED was terminated for convenience. I therefor pray this Honorable Court to assess appropriate civil money penalties as this Court sees fit, or assessment under FIRREA.

B). That you Education Credit Management (ECMC), Premiere Credit of North America (PCNA) and others, collectively and severely, conspired by the claim in your letter of 03/07/2013, trying to collect a debt I never owed, and inferring that I defaulted in a loan that you ought to have known I totally discharged in September 23rd, 1988, that you thereby violated section 15 U.S.C. 1692e(2)(A), which formed part of the reasons the U.S. Dept. of Education terminated your collection contract for convenience. I therefor pray this Honorable Court impose appropriate civil money penalties as this Court sees fit with serious judicial look at FIRREA. See Exhibit-J

C). That you Premiere Credit of North America (PCNA), sometime in 2013 in within the jurisdiction of this Honorable Court did conspired with others, did communicated with third parties in my house ,and in my office with my office manager from a telephone number 317-322-3630 about debt information which you knew or ought to have known to be false , and including the fact that you failed to communicate that the disputed debt is already disputed and you thereby violated section 15 of United States Code 1692e(8), which was one of the reasons your contract with United States Dept. of Education was terminated for convenience. I therefor pray this Honorable Court impose such appropriate civil penalties as the Court sees fit with serious judicial look at relevant provisions of FIRREA (Financial Institutions Reform, Recovery and Enforcement Act of 1989. (See EXHIBIT - H)

4). That the transfer of purported instruments of "Guarantee Student loans" to ECMC, after a court judgment ,with transfer "rights,title and interest" in November 18th 2008, see Exhibit BB, and "Projected Balance as of 09/30/2019" see Exhibit CC , should be rejected and inadmissible, because they are products of false information and incorrect identity of me. Since there was no debt, there should have been no loan default, so these documents are fraudulent

5). That ECMC/PCNA have failed to produce bona fide master promissory and disclosure repayment note, which will show without shadow of doubt, the actual amount of my loan.They have only submitted interim promissory notes. See EA-1 in original motion.



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**FROM**  
**Name** EMMANUEL A. ADIGUN  
**Address** 3605 MAROLLA PLACE  
 BRONX, NY 10466  
**City, State ZIP code**  
 (347) 392-2545  
**Phone Number (Must be included.)**

**FedEx**

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**TO**  
**Name** Pro se Intake Unit  
**Phone Number**  
**Room #** 200  
**Company** 500 PEARL STREET  
**Address (No PO Boxes)** New York, NY  
**City, State** 10007  
**ZIP Code**

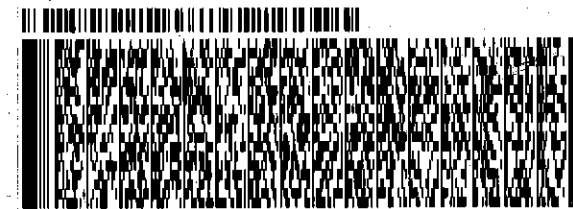
ORIGIN ID: AXBA (347) 392-2545  
 EMMANUEL ADEWALE ADIGUN  
 3605 MAROLLA PL PH  
 BRONX, NY 10466  
 UNITED STATES US

SHIP DATE: 19NOV20  
 ACTWGT: 0.25 LB  
 CAD: 6995203/SSFE2121  
 BILL CREDIT CARD

Part # 156297-435 PRODN EXP 05/21  
 9547686/5195

**TO**  
**PROSE INTAKE UNIT**  
**500 PEARL ST**  
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**NEW YORK NY 10007**

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